

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 1037

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR MAYER.

Read 1st time February 9, 2006, and ordered printed.

Read 2nd time February 13, 2006, and referred to the Committee on Agriculture, Conservation, Parks and Natural Resources.

Reported from the Committee March 9, 2006, with recommendation that the bill do pass.

Taken up for Perfection April 4, 2006. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4950S.01P

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## AN ACT

To repeal section 640.100, RSMo, and to enact in lieu thereof one new section relating to the public drinking water primacy fee.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 640.100, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 640.100, to read as follows:

640.100. 1. The safe drinking water commission created in section  
2 640.105 shall promulgate rules necessary for the implementation, administration  
3 and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking  
4 Water Act as amended.

5 2. No standard, rule or regulation or any amendment or repeal thereof  
6 shall be adopted except after a public hearing to be held by the commission after  
7 at least thirty days' prior notice in the manner prescribed by the rulemaking  
8 provisions of chapter 536, RSMo, and an opportunity given to the public to be  
9 heard; the commission may solicit the views, in writing, of persons who may be  
10 affected by, knowledgeable about, or interested in proposed rules and regulations,  
11 or standards. Any person heard or registered at the hearing, or making written  
12 request for notice, shall be given written notice of the action of the commission  
13 with respect to the subject thereof. Any rule or portion of a rule, as that term is  
14 defined in section 536.010, RSMo, that is promulgated to administer and enforce  
15 sections 640.100 to 640.140 shall become effective only if the agency has fully

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 complied with all of the requirements of chapter 536, RSMo, including but not  
17 limited to, section 536.028, RSMo, if applicable, after June 9, 1998. All  
18 rulemaking authority delegated prior to June 9, 1998, is of no force and effect and  
19 repealed as of June 9, 1998, however, nothing in this section shall be interpreted  
20 to repeal or affect the validity of any rule adopted or promulgated prior to June  
21 9, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this  
22 section are nonseverable and if any of the powers vested with the general  
23 assembly pursuant to section 536.028, RSMo, to review, to delay the effective  
24 date, or to disapprove and annul a rule or portion of a rule are held  
25 unconstitutional or invalid, the purported grant of rulemaking authority and any  
26 rule so proposed and contained in the order of rulemaking shall be invalid and  
27 void, except that nothing in this chapter or chapter 644, RSMo, shall affect the  
28 validity of any rule adopted and promulgated prior to June 9, 1998.

29         3. The commission shall promulgate rules and regulations for the  
30 certification of public water system operators, backflow prevention assembly  
31 testers and laboratories conducting tests pursuant to sections 640.100 to  
32 640.140. Any person seeking to be a certified backflow prevention assembly  
33 tester shall satisfactorily complete standard, nationally recognized written and  
34 performance examinations designed to ensure that the person is competent to  
35 determine if the assembly is functioning within its design specifications. Any  
36 such state certification shall satisfy any need for local certification as a backflow  
37 prevention assembly tester. However, political subdivisions may set additional  
38 testing standards for individuals who are seeking to be certified as backflow  
39 prevention assembly testers. Notwithstanding any other provision of law to the  
40 contrary, agencies of the state or its political subdivisions shall only require  
41 carbonated beverage dispensers to conform to the backflow protection  
42 requirements established in the National Sanitation Foundation standard  
43 eighteen, and the dispensers shall be so listed by an independent testing  
44 laboratory. The commission shall promulgate rules and regulations for collection  
45 of samples and analysis of water furnished by municipalities, corporations,  
46 companies, state establishments, federal establishments or individuals to the  
47 public. The department of natural resources or the department of health and  
48 senior services shall, at the request of any supplier, make any analyses or tests  
49 required pursuant to the terms of section 192.320, RSMo, and sections 640.100  
50 to 640.140. The department shall collect fees to cover the reasonable cost of  
51 laboratory services, both within the department of natural resources and the

52 department of health and senior services, laboratory certification and program  
53 administration as required by sections 640.100 to 640.140. The laboratory  
54 services and program administration fees pursuant to this subsection shall not  
55 exceed two hundred dollars for a supplier supplying less than four thousand one  
56 hundred service connections, three hundred dollars for supplying less than seven  
57 thousand six hundred service connections, five hundred dollars for supplying  
58 seven thousand six hundred or more service connections, and five hundred dollars  
59 for testing surface water. Such fees shall be deposited in the safe drinking water  
60 fund as specified in section 640.110. The analysis of all drinking water required  
61 by section 192.320, RSMo, and sections 640.100 to 640.140 shall be made by the  
62 department of natural resources laboratories, department of health and senior  
63 services laboratories or laboratories certified by the department of natural  
64 resources.

65 4. The department of natural resources shall establish and maintain an  
66 inventory of public water supplies and conduct sanitary surveys of public water  
67 systems. Such records shall be available for public inspection during regular  
68 business hours.

69 5. (1) For the purpose of complying with federal requirements for  
70 maintaining the primacy of state enforcement of the federal Safe Drinking Water  
71 Act, the department is hereby directed to request appropriations from the general  
72 revenue fund and all other appropriate sources to fund the activities of the public  
73 drinking water program and in addition to the fees authorized pursuant to  
74 subsection 3 of this section, an annual fee for each customer service connection  
75 with a public water system is hereby authorized to be imposed upon all customers  
76 of public water systems in this state. The fees collected shall not exceed the  
77 amounts specified in this subsection and the commission may set the fees, by  
78 rule, in a lower amount by proportionally reducing all fees charged pursuant to  
79 this subsection from the specified maximum amounts. **Reductions shall be**  
80 **roughly proportional but in each case shall be divisible by twelve.** Each  
81 customer of a public water system shall pay an annual fee for each customer  
82 service connection.

83 (2) The annual fee per customer service connection for unmetered  
84 customers and customers with meters not greater than one inch in size shall be  
85 based upon the number of service connections in the water system serving that  
86 customer, and shall not exceed:

87 1 to 1,000 connections ..... \$ [2.00] **3.24**

88	1,001 to 4,000 connections .....	[1.84] <b>3.00</b>
89	4,001 to 7,000 connections .....	[1.67] <b>2.76</b>
90	7,001 to 10,000 connections .....	[1.50] <b>2.40</b>
91	10,001 to 20,000 connections .....	[1.34] <b>2.16</b>
92	20,001 to 35,000 connections .....	[1.17] <b>1.92</b>
93	35,001 to 50,000 connections .....	[1.00] <b>1.56</b>
94	50,001 to 100,000 connections .....	[.84] <b>1.32</b>
95	More than 100,000 connections .....	[.66] <b>1.08.</b>

96       (3) The annual user fee for customers having meters greater than one inch  
97 but less than or equal to two inches in size shall not exceed [five dollars] **seven**  
98 **dollars and forty-four cents**; for customers with meters greater than two  
99 inches but less than or equal to four inches in size shall not exceed [twenty-five  
100 dollars] **forty-one dollars and sixteen cents**; and for customers with meters  
101 greater than four inches in size shall not exceed [fifty dollars] **eighty-two**  
102 **dollars and forty-four cents.**

103       (4) Customers served by multiple connections shall pay an annual user  
104 fee based on the above rates for each connection, except that no single facility  
105 served by multiple connections shall pay a total of more than five hundred dollars  
106 per year.

107       6. Fees imposed pursuant to subsection 5 of this section shall become  
108 effective on [August 28, 1992] **August 28, 2006**, and shall be collected by the  
109 public water system serving the customer **beginning September 1, 2006, and**  
110 **continuing until such time that the safe drinking water commission, at**  
111 **its discretion, specifies a lower amount under subdivision (1) of**  
112 **subsection 5 of this section.** The commission shall promulgate rules and  
113 regulations on the procedures for billing, collection and delinquent  
114 payment. Fees collected by a public water system pursuant to subsection 5 of this  
115 section are state fees. The annual fee shall be enumerated separately from all  
116 other charges, and shall be collected in monthly, quarterly or annual  
117 increments. Such fees shall be transferred to the director of the department of  
118 revenue at frequencies not less than quarterly. Two percent of the revenue  
119 arising from the fees shall be retained by the public water system for the purpose  
120 of reimbursing its expenses for billing and collection of such fees.

121       7. Imposition and collection of the fees authorized in subsection 5 of this  
122 section shall be suspended on the first day of a calendar quarter if, during the  
123 preceding calendar quarter, the federally delegated authority granted to the safe

124 drinking water program within the department of natural resources to administer  
125 the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not  
126 be reinstated until the first day of the calendar quarter following the quarter  
127 during which such delegated authority is reinstated.

128 8. Fees imposed pursuant to subsection 5 of this section shall expire on  
129 September 1, [2007] **2012**.

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Unofficial

Bill

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